

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

VIDEO GAMING TECHNOLOGIES, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 17-CV-00454-GKF-JFJ
	)	
CASTLE HILL STUDIOS LLC	)	
(d/b/a CASTLE HILL GAMING);	)	
CASTLE HILL HOLDING LLC	)	
(d/b/a CASTLE HILL GAMING); and	)	
IRONWORKS DEVELOPMENT, LLC	)	
(d/b/a CASTLE HILL GAMING),	)	
	)	
Defendants.	)	

**ORDER**

This matter comes before the court on defendants’ Submission Concerning the Public Filing of this Court’s Opinion and Order dated August 21, 2019 (Doc. 379) [Doc. 394] and plaintiff’s Notice of Proposed Redactions to Docket No. 379 [Doc. 391].<sup>1</sup>

“Whether judicial records and other case-related information should be sealed or otherwise withheld from the public is a matter left to the sound discretion of the district court.” *Mann v. Boatright*, 477 F.3d 1140, 1149 (10th Cir. 2007) (citing *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589 (1978)). “[W]here documents are used to determine litigants’ substantive legal rights, a strong presumption of access attaches.” *Colony Ins. Co. v. Burke*, 698 F.3d 1222, 1242 (10th Cir. 2012) (quoting *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 121 (2d Cir. 2006)). However, the presumption may be overcome “by demonstrating the pages contain ‘sources of business

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<sup>1</sup> Plaintiff submitted its proposed redactions to Doc. 379 in conjunction with its proposed redactions to Doc. 373. [Doc. 391].

information that might harm a litigant's competitive standing.” *Deherrera v. Decker Truck Line, Inc.*, 820 F.3d 1147, 1162 n. 8 (10th Cir. 2016) (quoting *Nixon*, 435 U.S. at 598).

Castle Hill does not object to the public filing of the Order. VGT requests only that the court redact one instance of the phrase “uniqueness testing algorithm.” However, as previously determined by this court, the phrase “uniqueness testing algorithm,” standing alone, does not rise to the level of confidential or proprietary information. Accordingly, the court declines to adopt plaintiff's proposed redaction. The court orders that docket entry no. 379 be unsealed.

IT IS SO ORDERED this 1<sup>st</sup> day of November, 2019.

  
GREGORY K. FRIZZELL  
UNITED STATES DISTRICT JUDGE